

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1067 of 2016

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Birjanand Pandey, son of Late Ram Akbal Pandey, Resident of Village- Dabaria,
Police Station- Nautan, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The District Magistrate, Bettiah, West Champaran.
 3. The Superintendent of Police, Bettiah, West Champaran.
 4. The Sub-Divisional Magistrate, Bettiah, West Champaran.
 5. The Executive Officer, Nagar Parisad, Bettiah, West Champaran.
 6. The Executive Magistrate, Bettiah, Sadar, West Champaran.
 7. The Circle Officer, Anchal Nautan, District- West Champaran.
 8. Radha Sah, s/o Late Hareram Sah
 9. Chhotu Sah, s/o Late Hareram Sah
 10. Gorakh Sah, s/o Late Hareram Sah
 11. Bhikhari Chaudhary, s/o Late Rupa Sahani
 12. Ram Avtar Chaudhary, s/o Late Rupa Sahani
- Respondents 8 to 12 are residents of village- Dabaria, PS- Nautan,
Dist- West Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Kishun Prasad, Advocate
For the State : Mr. SC26- Amar Nath Deo

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-04-2016

Heard parties.

As prayed, petitioner is permitted to implead the
alleged encroachers as party respondents in course of the day.

The grievance of the petitioner is that though the
petitioner has moved an application before respondent no. 6, the
Sub Divisional Magistrate, Bettiah, Sadar for removal of
encroachers from the public land who had directed the Circle

Officer, Nautan for the said removal and a reminder was also given to him vide Annexure-1 but even then, no action has been taken.

Accordingly, this writ application is being disposed of with a direction to the *Anchal Adhikari* to take a decision upon the application filed by the petitioner. Firstly, he will be required to ascertain as to whether there is any encroachment upon the concerned public land or not. If he finds encroachment upon the public land then he will proceed in accordance with the procedure as laid down under Bihar Public Land Encroachment Act, 1956. If he finds that there is no encroachment upon the public land then he would be required to pass a reasoned order which would be communicated to the petitioner. In case, he does not initiate a proceeding then such order would be required to be passed within a period of one month from the date of receipt/ production of a copy of this order. However, if he finds encroachment and proceeds in accordance with law then he would be required to bring the concerned encroachment case to its logical conclusion within a period of four months. Before taking any final decision, he

would be required to follow the procedure laid down under the Act and grant reasonable opportunity to all the concerned including the private respondents.

(Dr. Ravi Ranjan, J.)

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